

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALLSTATE INSURANCE CO.,	:	
Plaintiff,	:	
v.	:	CIVIL ACTION
	:	NO. 15-1765
NICHOLAS J. POPYACK et al.,	:	
Defendants.	:	

Jones, II J.

December 17, 2015

ORDER

On April 6, 2015, Allstate Insurance Company (“Allstate” or “Plaintiff”) filed suit against Nicholas Popyack (“Nicholas”), Jeffrey Popyack (“Jeffrey”) (collectively “the Popyack Defendants”), and Andrew Stahl (“Andrew”) (collectively “Defendants”) for declaratory relief. (Dkt No. 1.) On November 20, 2015, Andrew filed a Motion for Summary Judgment, including a Statement of Facts and Memorandum of Law in Support thereof. (Dkt No. 15.)¹ Allstate filed a Response to Andrew’s Statement of Facts, and a Memorandum of Law in Opposition. (Dkt No. 20.) On November 25, 2015, Allstate filed its own Motion for Summary Judgment and Memorandum of Law in Support thereof. (Dkt Nos. 18, 18-1.) Andrew filed a Response to Allstate’s Statement of Facts, and a Memorandum of Law in Opposition. (Dkt No. 21.)²

AND NOW, this 17th day of December, upon consideration of the aforementioned filings, it is hereby ORDERED that:

1. Plaintiff’s Motion for Summary Judgment, (Dkt No. 18), is GRANTED;
2. Defendants’ Motions for Summary Judgment, (Dkt Nos. 15, 17), are DENIED;
3. Judgement is entered declaring that Allstate is not obligated to provide insurance coverage to Defendant Nicholas Popyack under the personal umbrella insurance policy issued by Allstate to Defendant Jeffrey Popyack;

¹ The Popyack Defendants filed a request to join Andrew’s Motion. (Dkt No. 17.) The Court’s Policies and Procedures state that the Court disfavors allowing co-defendants to join other defendants’ motions. However, the Court will allow the Popyack Defendants to join Andrew’s Motion in this unique case.

² The Popyack Defendants requested to join in Andrew’s response. (Dkt No. 22.) The Court will grant such request while noting the rarity of granting such requests.

4. The Clerk of Court is DIRECTED to close this case for statistical and all purposes.

BY THE COURT:

/s/ C. Darnell Jones, II

C. Darnell Jones, II J.